### 2013 DRAFTING REQUEST

Senate Amendment (SA-SSA2-SB1)

Received: 2/25/2013					Received By:	btradewe						
Wanted: As time permits				Same as LRB:								
For:		Robert Jauch (608) 266-3510				By/Representing:	Jeff Burandt					
May Contact: Lehman's office						Drafter:	btradewe					
Subject: Environment - mining						Addl. Drafters:						
						Extra Copies:						
Reque	t via em ster's en n copy (	nail:		S Jauch@legis.wi u.Stafford@legi								
Pre To	Pre Topic:											
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Topic:	<del> </del>			,								
Increas	se DNR	discretion	n									
Instru	ctions:											
See att	ached											
Drafti	ng Hist	ory:										
Vers.	Drafted	<u>1</u>	Reviewed	Typed	Proofed	Submitted	<u>Jacketed</u>	<u>Required</u>				
/P1	btradev 2/26/20		kfollett 2/25/2013	jmurphy 2/25/2013		lparisi 2/25/2013						
/1	-		kfollett 2/26/2013	jfrantze 2/26/2013		mbarman 2/26/2013	mbarman 2/26/2013					
FE Ser	nt For:											

<**END>** 

## 2013 DRAFTING REQUEST

Senate Ar	nendmen	t (SA-SSA	<b>2-SB1</b> )					
Received:	: 2/25/2013				Received By:	btradewe		
Wanted:	As time	permits			Same as LRB:			
For:	or: Robert Jauch (608) 266-3510				By/Representing:	Jeff Burandt		
May Contac	t: Lehman	's office			Drafter:	btradewe		
					Addl. Drafters:			
Subject: Environment - mining			ıg	•	Extra Copies:			
Submit via a Requester's Carbon copy	email:		uch@legis.v Stafford@le	_				
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No specific	pre topic gi	ven						
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Increase DN	IR discretion	n						
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Vers. Draf	ted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required	
/P1 mgla 2/25	ass /2013	kfollett 2/25/2013	jmurphy 2/25/2013		lparisi 2/25/2013			
FE Sent For	<b>:</b>	1155	Ap	2/24				

### 2013 DRAFTING REQUEST

Senate Am	endment (	SA-SSA	2-SB1)						
Received:	ved: <b>2/25/2013</b>				Received By:	btradewe			
Wanted:	As time pe	ermits			Same as LRB:				
For:	Robert Jan	uch (608)	266-3510		By/Representing:	Jeff Burandt			
May Contact: Lehman's office					Drafter:	btradewe			
				Addl. Drafters:					
Subject:	Environme	Environment - mining			Extra Copies:				
Submit via email:  Requester's email:  Carbon copy (CC) to:  YES  Sen.Jauch@legis.wisconsi  Beau.Stafford@legis.wisco									
Pre Topic:  No specific pr	e topic giver	1			, <del>.</del> .	-			
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Instructions:									
See attached									
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Vers. Drafted /P1 btradev		eviewed PKF	Typed	Proofed	Submitted	Jacketed	Required		

FE Sent For:

<END>

#### Tradewell, Becky

From:

Buhrandt, Jeff

Sent: To: Monday, February 25, 2013 9:11 AM

Subject:

Tradewell, Becky DNR discretion

Per our discussion last week, here are the specific examples we'd like to address in the DNR discretion amendment.

Let me know if you have any questions.

Senate Bill 1 changes the word "may" to shall in the following locations:

Regarding the department's authority grant exemptions from environmental regulations - Page 126 in section 295.56

The department shall issue a decision on a request for an exemption no later than the 15th day after the day on which it received the request under par. (a). Subject to par. (b) and except as provided in par. (d), the department **shall** grant the exemption if it is consistent with the purposes of this subchapter and will not violate any applicable environmental law outside of this subchapter and if one of the following applies: Page 156-7

Regarding the withdrawal of surface water - Page 162-163 in section 295.61

(bn) Plan review; finding. In reviewing the plan, the department may require that conservation measures that are in addition to, or in conjunction with, one or more of the conservation measures specified in par. (b) 1. to 12. be included in the plan. After reviewing the plan and application, if the department finds that the requirements under par. (a) will be met by implementing some or all of the

conservation measures contained in the plan, the department shall determine which measures shall be required, shall approve a schedule for implementation, and **shall** issue the permit.

Regarding the filling in of wetlands on page 148 section 295.60 p. 125 of sub-

(6) DECISION BY DEPARTMENT. (a) The department **shall** make a finding that a a discharge of dredged material or fill material is in compliance with all applicable water quality

Jeff Buhrandt

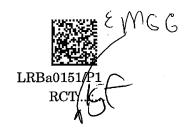
Chief of Staff - Office of State Senator Bob Jauch (608)266-3510



9

# State of Misconsin 2013 - 2014 LEGISLATURE





# PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

#### SENATE AMENDMENT,

## TO SENATE SUBSTITUTE AMENDMENT 2, TO SENATE BILL 1

1	At the locations indicated, amend the substitute amendment as fo	llows:
2	1. Page 101, line 6: substitute "may" for "shall".	
3	2. Page 125, line 1: substitute "may" for "shall".	
4	3. Page 125, line 3: substitute "may" for "shall".	
5	4. Page 125, line 15: substitute "may" for "shall".	
6	5. Page 138, line 9: substitute "may" for "shall".	
7	6. Page 140, line 11: after "plan," insert "the department may issue	the permit.
8	If the department decides to issue the permit,".	
9	7. Page 140, line 12: delete "required," and substitute "required a	ınd".

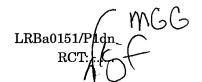
8. Page 140, line delete the material beginning with ", and" and ending with "permit" on line 13.

3

(END)

D-Note

# DRAFTER'S NOTE FROM THE LEGISLATIVE REFERENCE BUREAU



#### Jeff Burandt:

In order to give DNR discretion over whether to issue water withdrawal permits, it is also necessary to change the "shall" in s. 295.61 (4) (a) to "may." I also changed s. 295.61 (4) (bn) so that DNR is not required to determine which measures must be implemented if it does not issue the permit.

. Please contact me with any questions or redraft instructions.

Rebecca C. Tradewell Managing Attorney Phone: (608) 266–7290

 $E-mail:\ becky.tradewell@legis.wisconsin.gov$ 

I changed "shall" to "may" twice in s. 295.60 (6) (a) and once in s. 295.60 (6) (b). Please review.

Mary Gibson-Glass Senior Legislative Attorney

Phone: (608) 267-3215

E-mail: mary.gibson-glass@legis.wisconsin.gov

# DRAFTER'S NOTE FROM THE LEGISLATIVE REFERENCE BUREAU

LRBa0151/P1dn RCT&MGG:kjf:jm

February 25, 2013

#### Jeff Burandt:

In order to give DNR discretion over whether to issue water withdrawal permits, it is also necessary to change the "shall" in s. 295.61 (4) (a) to "may." I also changed s. 295.61 (4) (bn) so that DNR is not required to determine which measures must be implemented if it does not issue the permit.

Please contact me with any questions or redraft instructions.

Rebecca C. Tradewell Managing Attorney Phone: (608) 266–7290

E-mail: becky.tradewell@legis.wisconsin.gov

I changed "shall" to "may" twice in s. 295.60(6)(a) and once in s. 295.60(6)(b). Please review.

Mary Gibson–Glass Senior Legislative Attorney Phone: (608) 267–3215

E-mail: mary.gibson-glass@legis.wisconsin.gov

#### Tradewell, Becky

From:

Buhrandt, Jeff

Sent:

Tuesday, February 26, 2013 1:25 PM

To:

Tradewell, Becky

Subject:

FW: Draft review: LRB a0151/P1 Topic: Increase DNR discretion

Attachments:

13a0151/P1; DraftersNote1

This looks good – can we get the stripes?

Thanks-

jeff

Jeff Buhrandt

Chief of Staff - Office of State Senator Bob Jauch (608)266-3510

From: LRB.Legal

**Sent:** Monday, February 25, 2013 12:54 PM

To: Sen.Jauch

Subject: Draft review: LRB a0151/P1 Topic: Increase DNR discretion

Following is the PDF version of draft LRB a0151/P1 and drafter's note.



### State of Misconsin 2013 - 2014 LEGISLATURE

To Day



ymv charge

### PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

#### SENATE AMENDMENT,

# TO SENATE SUBSTITUTE AMENDMENT 2, TO SENATE BILL 1

1	At the loss	tions indicate	d amond th	a cubetituta	amendment as	follows
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- 7 **6.** Page 140, line 11: after "plan," insert "the department may issue the permit.
- 8 If the department decides to issue the permit,".

9

7. Page 140, line 12: delete "required," and substitute "required and".

- 1 8. Page 140, line 12: delete the material beginning with ", and" and ending with "permit" on line 13.
- 3 (END)